

Work Session
October 6, 2003
S-6100 South Park Avenue
Hamburg, New York 14075

Supervisor Hoak calls the meeting to order at 6:00 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

Also Present:	Catherine Rybczynski	Town Clerk
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	Robert Brown	Sr. Account Clerk
	Bill Koerner	Working Crew Chief

6:00 p.m. - 6:10 p.m. RESOLUTIONS

6:10 p.m. - 7:30 p.m. BUDGET

7:30 p.m. - 8:00 p.m. EXECUTIVE SESSION

I.

RESOLVED, that the Town Board authorize the Finance Department to set up Bike Trail in the Capital reserve account, and to advance \$10,000 from the Trust & Agency Cash in Lieu of Land (T-37) until grant monies are received.

Moved: Kesner	Seconded: Cavalcoli
Roll Call:	Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
	Noes: None
	Carried

II.

WHEREAS, the New York State Dept. of Environmental Conservation (NYSDEC) transmitted Order on Consent No. 03-52 to the Town of Hamburg on August 28, 2003, mandating that the Town undertake appropriate studies and remedial actions within the Northeast (SS-25) and Sheldon Acres (SS-19) Sewer Districts, due to the occurrence of sewage back-ups into basements and the need for bypass pumping during significant wet weather events; and

WHEREAS, this Order on Consent has been reviewed by the Legal Dept. and Town Engineer, who met with NYSDEC representatives on September 22, 2003 to discuss the matter and request various revisions to the document, which were agreed upon, incorporated into the document by NYSDEC, and resubmitted to the Town on October 3, 2003,

THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute this Order on Consent on behalf of the Town of Hamburg and return the document to NYSDEC, together with a certified copy of this resolution.

Moved: Cavalcoli	Seconded: Quatroche
Roll Call:	Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
	Noes: None
	Carried

Councilman Cavalcoli comments that later on in the meeting there will be a resolution that deals with expenditure of funds in order to comply with the DEC mandates, that is part of their five year plan

Mr. Boehm comments that he and Mr. Kapsiak attended a meeting with NYSDEC, we were facing some stiff fines. Mr. Kapsiak answered every question that they could throw at him and after much discussion the fines were suspended.

III.

WHEREAS, the New York State Legislature is currently considering Bottle Bill Legislation (Bill No. A3922/S1696) which expands the Returnable Beverage Act of 1982 to also require deposits on containers of beverages such as bottled water, juices, and teas, in order to serve as an incentive for reducing litter and the volume of materials introduced into the solid waste stream; and

WHEREAS, the legislation also provides for the return of unclaimed deposits on beverage containers to New York State, for deposit into the Environmental Protection Fund for use in municipal recycling programs, with the funds to be distributed regionally proportional to the amount of unclaimed deposits received from each region.

THEREFORE BE IT RESOLVED, that the Hamburg Town Board hereby expresses its support for this legislation, and requests that certified copies of this resolution be sent to Governor George Pataki, Senator William Stachowski, Assemblyman Richard Smith, and the Erie County Dept. of Environment and Planning (Attention: Susan C. Attridge, Solid Waste Coordinator).

Moved: Hoak Seconded: Unanimous
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

IV.

WHEREAS, Kandey Company, Inc. was awarded a contract by the Town Board on June 2, 2003 for the construction of the Highland Acres Sanitary Sewer Extension Project; and

WHEREAS, in order to reduce costs and minimize excavation and related property disturbance associated with the installation of 460 feet of 4 inch diameter forcemain pipe included in the project, the entire length of the forcemain was instead installed by a directional drilling method proposed by the contractor; and

WHEREAS, Kandey Company has provided a credit to the Town of \$3,100 for the costs associated with a casing pipe beneath South Park Avenue which was not necessary to be installed under this method; and

WHEREAS, Malcolm Pirnie, Inc. and the Town Engineer have reviewed this credit amount and determined it to be fair and reasonable for the work involved, and recommend that it be approved by the Town Board,

THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign Change Order No. G-2 for this project, approving a decrease of \$3,100 in the contract of Kandey Company, Inc., thereby adjusting their total contract amount to \$775,470.

Moved: Cavalcoli Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Councilman Cavalcoli comments that usually change orders are in the other direction where they are asking for more money. In this case, it is a reduction of money and he thanks Mr. Kapsiak. Mr. Kapsiak comments that this was the contractors suggestion which turned out to be for the good of everyone.

V.

WHEREAS, the Town of Hamburg will receive federal Community Development Block Grant and HOME Investment Partnership funds for use in the 2004 program year, and

WHEREAS, citizen participation is requested in the development of community needs and to review program performance, and

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board authorize public hearings on Community Development and HOME program needs and funding to be set for Wednesday, October 15, 2003 at 7:30 p.m. and Wednesday, November 12, 2003 at 7:30 p.m. and that the appropriate notices be published.

Moved: Kesner

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

VI.

WHEREAS, On August 4, 2003 the Hamburg Town Board authorized the Department of Community Development to advertise Request for Proposals for Financial Collection Services, and

WHEREAS, the Request for Proposals were opened on Wednesday, October 1, 2003 at 10:30 a.m. and subsequently reviewed by the Department of Community Development in conjunction with the United States Department of Housing and Urban Development (HUD) utilizing the criteria included with the RFP, and

WHEREAS, the following submitted Financial Collection Service Proposals which included varied levels of fees and structures depending on the collection type, and

WHEREAS, to be able to fairly compare the firms based upon the criteria outlined within the RFP, an hourly rate schedule was utilized for the Financial Collection Services comparison. This criteria based services on an equal rating, with said review results listed below:

Jacquelyn McGillicuddy; Esq.:	\$ 80.00 per Hour
Dubin & Sommerstein, LLP:	\$165.00 per Hour

NOW THEREFORE BE IT RESOLVED that based upon the review criteria and collection services to be provided, the Hamburg Town Board authorize the Department of Community Development to accept the proposal of and enter into a contract with Jacquelyn McGillicuddy; Esq. to provide Financial Collection Services for the Department of Community Development. Funding at the rate shown above is available in CDBG Administrative Accounts and shall not exceed \$32,000.00 (maximum 400 hours of total services) unless agreed to under a Contract Change Order issued by the Department of Community Development.

Moved: Kesner

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

VII.

WHEREAS, On June 2, 2003 the Hamburg Town Board authorized the Department of Community Development to advertise for bids for the Village of Blasdell Water Line Reconstruction project, and

WHEREAS, the County of Erie included its Miller Avenue Sewer Rehabilitation work within this bid package to facilitate and expedite the construction process for the residents of Miller Avenue, and

WHEREAS, there will be two separate contracts issued to the lowest responsible bidder utilizing the combined bid price as the basis for award, and

WHEREAS, the bids were opened on October 1, 2003 at 11:00 a.m. and subsequently reviewed by the Department of Community Development in conjunction with the United States Department of Housing and Urban Development (HUD) and representatives of the Village of Blasdell, and

WHEREAS, the following contractors submitted bids on the project as follows;

Base Bid 1:	(CDBG water line project only) CDBG Funds	
Base Bid 2:	(Erie County/Village of Blasdell sewer line project only)	Erie County Funds
Combined Bid: (CDBG Base + Erie County/VOB Base)		

Alternate Bid 1 (Erie County/Village of Blasdell road paving)	Village of Blasdell Funds
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<u>Contractor:</u>	<u>Combined Bid:</u>	<u>Base Bid CDBG:</u>	<u>Base Bid EC/VOB:</u>	<u>Alt. Bid 1:</u>
CMH Co.	\$210,410.00	\$88,900.00	\$121,510.00	\$25,300.00
Masters Edge, Inc.	\$213,835.00	\$88,050.00	\$125,785.00	\$27,600.00
E&R General Const.	\$230,470.00	\$97,350.00	\$133,120.00	\$46,000.00
Triple R	\$233,300.50	\$75,850.50	\$157,450.00	\$26,450.00
S St. George Enterp.	\$244,130.00	\$90,930.00	\$153,200.00	\$32,200.00
Kandy Company	\$290,775.00	\$110,925.00	\$179,850.00	\$27,600.00
Visone Const.	\$303,685.00	\$81,325.00	\$222,360.00	\$80,500.00

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to accept the bid of and enter into a contract with CMH Co, to provide construction services for the Village of Blasdell Miller Avenue Water Line Reconstruction portion ONLY of this project. Funding in the amount of \$88,900.00 is available in CD 29 8662.355.

[illegible]

VIII.

RESOLVED, that the Town Board grant permission for the Police Department to employ the following from Hilbert College to do Internship in the Police Department at no cost to the Town: Andrew Gerken, Justin R. Marzec, Justin W. Kruse.

Moved: Hoak Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

IX.

RESOLVED, that the Town Board designate Friday, October 31st as Official Trick or Treat

Moved: Hochul
Seconded: Kesner

Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

RESOLVED, that the Town Board authorize the Town Supervisor to sign an agreement with Silvestri Architects, 80 Pineview Drive, Amherst, New York 14228, for a Schematic Design Study Phase I for an addition to the Town of Hamburg Police Building for a Communications Center. The cost of the study is \$7,602.00; funding is available in account H2430.204.

Councilwoman Kesner comments that this is the last study that the Town Board will be exploring to look at the feasibility of putting the Dispatch Department next to the existing wing of the Police Department. This will give them all the information they need to make a final decision. She believes they have a true commitment from the Board to improve that facility and provide a new and improved facility. This should take about 60 days.

WHEREAS, R&D Engineering, Inc. has previously been retained by the Town of Hamburg to prepare a Five Year Comprehensive Plan for addressing problem areas within the Town's 24 sanitary sewer districts; and

WHEREAS, the New York State Dept. of Environmental Conservation has mandated the Town to undertake appropriate studies and remedial actions to correct this situation; and

WHEREAS, R&D Engineering has submitted a proposal for providing engineering services associated with the required study activities, including flow monitoring, manhole inspections, smoke testing, dye testing, and televising, at a total fee not to exceed \$48,900. This proposal has been reviewed by the Town Engineer, who has determined it to be fair and reasonable for the services to be provided,

THEREFORE BE IT RESOLVED, that R&D Engineering is awarded a contract in this regard, and that the Town Supervisor is authorized to sign their October 3, 2003 proposal letter/agreement for these services. Funding for this work has previously been budgeted under Account No. SS25-8110.303.

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Abstain: Cavalcoli
 Noes: None
 Carried

WHEREAS, The Town Board previously awarded a contract to Malcolm Pirnie, Inc. on April 7, 2003 for providing engineering services associated with a NYSDEC required sanitary

sewer system capacity study in the area downstream of the Highland Acres Sewer Extension Project presently under construction; and

WHEREAS, the study activities performed by Malcolm Pirnie to date have determined that smoke testing of 42,500 feet of sewer and internal televising of 11,500 feet of sewer are necessary in order to accurately locate sources of infiltration/inflow to the sewer system; and

WHEREAS, Malcolm Pirnie has submitted a proposal to the Town for retaining a subconsultant to provide the smoke testing and televising services, which has been reviewed by the Town Engineer and determined to be reasonable and acceptable for the services to be provided, at a total lump sum fee of \$31,600.

THEREFORE BE IT RESOLVED, that Malcolm Pirnie's contract is amended to include these additional services, and that the Supervisor is authorized to sign their October 1, 2003 proposal/letter agreement in this regard. Funding for these services has been previously budgeted under Account No. SS21-8120.303.

Moved: Cavalcoli Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XIII.

RESOLVED, that Defensive Driving Coordinator Tim Ellis be allowed to travel to Chicago, IL from September 5th - 7th, 2003 to accept a National Safety Council Award to be presented to the Town of Hamburg. Total cost of trip is approximately \$600.00, funds are available in account A3620.441.

Moved: Hochul Seconded: Quatroche
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

XIV.

RESOLVED, that the Town Board approve the Transfer of Appropriations for the Building and Grounds Department within the 2003 Budget as follows:

From:	Repair & Maint. Supplies	A8540.413	\$3,200.00
	Contracted Services	A8540.440	\$4,751.00
To:	Perm. Improvements	A7140.303	\$7,951.00

To fund account.

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XV.

RESOLVED, that the Town Board approve the Transfer of Appropriations for the Building and Grounds Department within the 2003 Budget as follows:

From: Perm. Improvements	A7141.303	\$9,500.00
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To:	Perm. Improvements	A7140.303	\$9,500.00
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To fund account.

Moved: Hoak

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XVI.

RESOLVED, that the Town Board authorize the Transfer of Appropriations for the Building & Grounds Department within the 2003 Budget as follows:

From: Equipment Rental	A7230.406	\$15,450.00
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To:	Perm. Improvements	A7140.303	\$15,450.00
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To fund account.

Moved: Hoak

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XVII.

WHEREAS, the Town of Hamburg, herein called the “Applicant”, after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as the Engel Drive Sanitary Sewer Extension Project, and identified

as CWSRF Project Number C9-6691-07-00, herein called the “Project”, is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the “Water Quality Act”), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the State before the State may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989 , as amended (the “CWSRF Act”) established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a water pollution control revolving fund (the “Fund”) to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW THEREFORE BE IT RESOLVED BY the Town Board of the Town of Hamburg as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. Supervisor Patrick H. Hoak is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required.
3. The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.
4. One (1) certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.
5. This Resolution shall take effect immediately.

Moved: Cavalcoli

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XVIII.

WHEREAS, the Town of Hamburg, herein called the “Applicant”, after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as the Hamburg Sanitary Sewer Rehabilitation Project (Stilwell Road

and Rogers Road areas), and identified as CWSRF Project Number C9-6691-06-00, herein called the “Project”, is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the “Water Quality Act”), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the State before the State may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989 , as amended (the “CWSRF Act”) established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a water pollution control revolving fund (the “Fund”) to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW THEREFORE BE IT RESOLVED BY the Town Board of the Town of Hamburg as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. Supervisor Patrick H. Hoak is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required.
3. The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.
4. One (1) certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.
5. This Resolution shall take effect immediately.

Moved: Cavalcoli

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XIX.

RESOLVED, that the Town Board grant permission for the Honorable Gerald P. Gorman to attend the annual Magistrates Conference in Saratoga Springs from September 28th until October 1st, 2003. The estimated cost to the Town is \$250.00.

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XX.

RESOLVED, that the Town Board authorize the Recreation Department to issue Alcohol Waivers for the following October Taylor Road rentals:

10/3/03

10/4/03

10/5/03

10/10/03

10/11/03

10/12/03

10/17/03

10/18/03

10/19/03

10/23/03

10/24/03

10/25/03

10/26/03

10/31/03

Moved: Quatroche

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilman Cavalcoti explains that the following resolution is to authorize the bonding for money to complete the Industrial Access Road. This is the step they need to take in order to award the bid. They are still hopeful that they will not have to invoke this and actually go for the funding. They are hoping to get sufficient funding from the multi-model money from Assemblyman Smith. However, just in case they don't they need to have the resolutions in place in order to award the bid to start construction with the money they already have in hand.

XXI.

Meeting of the Town Board of the Town of Hamburg,
in the County of Erie, New York

October 6, 2003

* * *

A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, Hamburg, New York, on October 6, 2003.

There were present: Hon. Patrick H. Hoak, Supervisor; and

Board Members: D. Mark Cavalcoli; Kathleen C. Hochul; Joan A. Kesner
and Thomas J. Quatroche, Jr.

There were absent:

Also present: Catherine A. Rybczynski, Town Clerk
Richard G. Boehm, Deputy Town Attorney

* * *

Councilman Cavalcoli offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK, ADOPTED OCTOBER 6, 2003, AUTHORIZING THE CONSTRUCTION OF A NEW TOWN ROAD AT THE ESTIMATED MAXIMUM COST OF \$650,000; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF APPROXIMATELY \$100,000 GRANT FUNDS HERETOFORE RECEIVED FROM THE STATE OF NEW YORK TO PAY A PART OF SAID APPROPRIATION; AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$550,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND AUTHORIZING ANY OTHER FUNDS TO BE RECEIVED FROM THE STATE OF NEW YORK OR FROM ANY OTHER SOURCE, TO BE APPLIED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR REDEMPTION OF SAID BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS

THE TOWN BOARD OF THE TOWN OF HAMBURG, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Hamburg, in the County of Erie, New York (herein called the “Town”), is hereby authorized to construct a new Town road connecting Lake Avenue with Milestrip Road and the NYS Route 179 Milestrip Expressway. The plan of financing includes the expenditure of approximately \$100,000 grant funds heretofore received from the State of New York to pay a part of said appropriation, the issuance of not to exceed \$550,000 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any other funds to be received from the State of New York or from any other source, are also authorized to be applied towards the cost of said object or purpose or redemption of said bonds issued therefor or to be budgeted as an offset to the taxes for the payment of the principal and interest on said bonds.

Section 2. Serial bonds of the Town in the principal amount of not to exceed \$550,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 of the Law, is fifteen (15) years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years from the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not

authorized to expend money, or

- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish a summary of this bond resolution, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the “THE SUN AND ERIE COUNT INDEPENDENT,” a newspaper published in the Village of Hamburg and the “FRONT PAGE”, a newspaper published in the Town of Hamburg, newspapers hereby designated the official newspapers of said Town for such publication.

* * *

The adoption of the foregoing resolution was seconded by Councilman Quatroche and
duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Hoak; Councilman Cavalcoli; Councilwoman Hochul;
Councilwoman Kesner and Councilman Quatroche

NOES: None

The resolution was declared adopted.

CERTIFICATE

I, CATHERINE A. RYBCZYNSKI, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Hamburg duly called and held on October 6, 2003, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal
of said Town of Hamburg this 7th day of October, 2003.

(SEAL)

Town Clerk

(NOTICE TO BE ATTACHED TO AND **TO BE PUBLISHED**
WITH RESOLUTION AFTER ADOPTION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 6th day of October, 2003, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF HAMBURG, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

CATHERINE A. RYBCZYNSKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK,
ADOPTED OCTOBER 6, 2003, AUTHORIZING THE CONSTRUCTION
OF A NEW TOWN ROAD AT THE ESTIMATED MAXIMUM COST OF
\$650,000; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING
THE EXPENDITURE OF APPROXIMATELY \$100,000 GRANT FUNDS
HERETOFORE RECEIVED FROM THE STATE OF NEW YORK TO
PAY A PART OF SAID APPROPRIATION; AUTHORIZING THE
ISSUANCE OF NOT TO EXCEED \$550,000 SERIAL BONDS OF SAID
TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION;
AND AUTHORIZING ANY OTHER FUNDS TO BE RECEIVED FROM
THE STATE OF NEW YORK OR FROM ANY OTHER SOURCE, TO BE
APPLIED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR
REDEMPTION OF SAID BONDS ISSUED THEREFOR OR TO BE
BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF
THE PRINCIPAL OF AND INTEREST ON SAID BONDS

Object or purpose: to construct a new Town road connecting Lake Avenue with Milestrip Road
and the NYS Route 179 Milestrip Expressway

Amount of obligations
to be issued: \$550,000

Period of probable
usefulness: five (5) years

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, S-6100 South Park Avenue, Hamburg, New York.

Dated: October 6, 2003
 Hamburg, New York

George Lee questions, as long as they are putting in a new road can they look into finding money to put a bike path along there.

Councilwoman Kesner comments that because this is an industrial route she is not sure it conforms with the use.

Councilman Cavalcoli wants to clarify that we do have \$400,000 in place to do this project. Mr. Kapsiak comments that we do have \$400,000 from the multi-model grant and all that is doing is to allow for them to bond for the full amount because you can submit quarterly to the State for reimbursement on the multi-model grant. This helps to pay more expediently.

[illegible]

BE IT RESOLVED, that the Town Clerk be authorized to advertise for a public hearing on the 2004 Town of Hamburg Budget. The hearing is to be scheduled for November 3, 2003 at 7:00 p.m. local time.

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

From: Contingency	A1990.419	\$4,306.00
To: Play & Rec. Centers - Pers. Services	A7140.100	\$4,000.00
“ ” - Social Sec.	A7140.830	\$ 306.00

Moved: Hoak Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

1.	Scott Vuich	Seasonal Laborer	10/10/2003	Terminate
2.	Scott Vuich	P/T Laborer	10/13/2003	\$7.50
3.	Scott Ziobro	Seasonal Laborer	10/10/2003	Terminate
4.	Scott Ziobro	P/T Laborer	10/13/2003	\$8.80
5.	Nicholas Renzi	Seasonal Laborer	09/29/2003	Terminate
6.	Barbara LaRosa	P/T Clerk Typist	10/17/2003	Terminate
7.	Barbara LaRosa	Seasonal Clerk Typist	10/20/2003	\$9.65
8.	Dennis Coventry	Seasonal Laborer	10/03/2003	Terminate
9.	Dennis Coventry	P/T Laborer	10/06/2003	\$7.50
10.	Jake Fanning	Seasonal Laborer	10/10/2003	Terminate
11.	Jake Fanning	P/T Laborer	10/13/2003	\$8.80
12.	Jeffrey Lacapruccia	Seasonal Laborer	10/10/2003	Terminate
13.	Jeffrey Lacapruccia	P/T Laborer	10/13/2003	\$7.50
14.	James Morgan	Seasonal Laborer	10/10/2003	Terminate
15.	Mike Mueller	Seasonal Laborer	10/17/2003	Terminate
16.	Mike Mueller	P/T Laborer	10/20/2003	\$7.50
17.	Margaret Young	Seasonal Laborer	09/21/2003	Terminate
18.	Margaret Young	P/T Laborer	09/22/2003	\$8.80

Moved: Quatroche Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XXVIII.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Police Department as follows:

1. Bizub, Danielle	Seasonal Part-time Clerk	10/03/2003	Terminate
2. Bizub, Danielle	P/T Clerk	10/04/2003	\$7.77

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner
 Noes: None
 Carried

XXIX.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Senior Services Department as follows:

1. Cox, Kimberely	P/T Rec. Attendant -	09/08/2003	Terminate
	Assistant Nutrition Manager		
2. Cox, Kimberely	P/T Rec. Attendant -	09/08/2003	\$8.17
	Nutrition Manager		

Moved: Cavalcoli Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XXX.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Recreation Department as follows:

1. Evert, Christopher	B7310(320)	09/24/2003	Terminate
2. Godios, Andrew	B7310(320)	10/06/2003	\$7.00 P/T
	Lifeguard		
3. Kuhrt, Timothy	B7310(320)	10/06/2003	\$8.00 P/T
	Lifeguard		
4. King, Gilbert	ER7251(225)	09/22/2003	\$6.00 Seasonal
	Rec. Attendant		
5. Ryan, Robert	A7265(230)	09/22/2003	\$7.25 P/T
	Rec. Attendant		

Moved: Quatroche Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XXXI.

RESOLVED, that the Town Board approve the hiring of personnel for the Police Department as follows:

1. Demske, Jacquelyn	Crossing Guard - P/T	09/23/2003	\$9.40
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Moved: Quatroche Seconded: Hoak
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

VOUCHER #'S

BATCH #127	\$ 9,508.00	906948
BATCH #128	\$1,425,000.00	906949 - 906950
BATCH #129	\$ 108,884.10	905952 - 907007
BATCH #130	\$ 732,165.88	907008 - 907118
BATCH #131	\$ 65,200.06	907119 - 907120
BATCH #132	\$ 137,555.81	UNPROCESSED
PRTRN # 20	\$ 508,256.96	906951

TRUST & AGENCY:

BATCH # 51	\$ 34,487.44	560389 - 560406
BATCH # 49	\$ 493,703.82	560407 - 560411
BATCH # 50	\$ 9,411.70	560412 - 560413

CAPITAL FUND DISBURSEMENTS:

BATCH #70	\$ 375,000.00	710397
BATCH #71	\$ 144,664.13	710398 - 710409
BATCH #72	\$ 4,285.65	710410 - 710415

PAYROLL:

PR #20	\$ 472,471.95
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PETTY CASH:

\$ 132.17

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$4,522,395.50

Moved: Hoak
Seconded: Cavalcoli
Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

RESOLVED, that the Town Board approve opening the single bid for one new 2004 Sewer Jet Truck from Buffalo Truck Center.

Moved: Hoak
Seconded: Quatroche
Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

Catherine Rybczynski, Town Clerk, states that the bid is \$157,990.00.

Supervisor Hoak comments that they will be discussing the Supervisors Budget this evening. It was submitted last Tuesday, it is a working budget, by law he had to submit a Budget by September 30th and it must be passed by November 20th. It has been the practice of this Board to pass the Budget before the election. They are now looking for input. This year, some of the Town's are at the 6-8% tax increase, for example West Seneca and Amherst. Orchard Park just came out with a budget increase of 2.75%. The good news is that most of the other Town's have increases that are double Hamburg and Orchard Park. The bad news is that October 15th is a major date, that is when they release the retirement costs. Right now, there is a \$160,000 shortfall in the non-police retirement funds and \$450,000 shortfall in the police retirement funds. They will do their best to address this, the majority of the municipalities are bonding this. The State will let you bond this money at 8%, we have been very successful bonding at 3-4%. They haven't made a decision, if they have to go to bonding, what avenue they will take. Kudos to the Finance Department because when there was a 0% contribution they still budgeted .5% to 1% for that rainy day and that rainy day became a hurricane. Even after budgeting 11% since the beginning of the year, which is what they said it would be, we still have a shortfall. There is some good news in the budget, we have been able to maintain services.

Ernie Jewett, Mayor of Blasdell, thanks the Board for inviting them to this. They would like to invite at least two Board members to their November 5th meeting. The access road will be great for the Village of Blasdell, it has been a long time coming. Kudos to everyone. This will also help Woodlawn. He comments that a few times they have asked for money for their Recreation Department and they have never received any. By law the Town is supposed to put this into the part town fund. In Blasdell they put \$75,000 into their parks now, with roughly \$58,000 going to new purchase of equipment and park improvement. Supervisor Hoak asks for specific law on this. Janet Plaar reads from Parks and Recreation from the state Comptroller which states "generally recreation expenditures if incurred under provisions of Article XIII. of the general municipal law are properly a part town charge and has to be set up on a part town basis." Mayor Jewett comments that they invest a lot of money into their parks and have asked a couple of times for money. They feel they pay into this and do not get anything back. They feel that the infrastructure has to come before their parks.

Councilman Cavalcoli questions in that Town law, if the Village has it's own recreation program and recreation funding, does that then set aside the fact that the Town money should also be put into the program. Is there any stipulation that if it would come from part town money, through the Town's budget, that they would have to put that money into a different fund. Have they ever checked that. Because it is almost like double dipping. He questions if it is a duplication. Councilwoman Kesner comments that they need to get an opinion from the State Comptrollers Office on that.

Janet comments that the Town does have separate funds for certain parks such as Taylor Road and the Nike Base and they can see paying into those because their residents do use them. But with the playgrounds, their residents don't travel. However, the Town kids come to their parks because their parks are staffed differently. They run five days a week for the entire summer.

Councilwoman Kesner comments that she has seen tremendous improvements in the Blasdell parks. The Town Board is willing to work with them, they need to get an opinion on what the law will allow them to do.

Councilman Cavalcoli comments that the Village of Blasdell and the Town Recreation Department should have more communication so that they do not have any duplications and could maybe keep costs down.

Mayor Jewett comments that they are trying to put up a new building at JFK playground and as soon as the funding becomes available they will look into it. He looked in the Town budget and there is money to update 5 playgrounds. Councilwoman Kesner comments that the Town has 42 playgrounds so this is ongoing every year.

Mayor Jewett comments that the next item is the creation of jobs. They want to question the \$33,000 that is in the budget for Dan Jarnot as consultant. Should that be moved over to just the Town and not the general fund A. Supervisor Hoak responds that they are trying to help out A, but maybe they can put it in part town fund B. Councilwoman Kesner comments that Mr. Jarnot is helping the Town save money by addressing personnel issues, rather than hiring attorneys. Councilman Quatroche comments that there might be an opportunity to split this or prorate it and put a percentage into the B fund.

Mayor Jewett then questions what fund the mortgage tax and sales tax goes to. Supervisor Hoak responds that the mortgage tax goes to general fund A and sales tax go to the general fund B.

Janet comments that they budget differently and this wasn't clear.

Mayor Jewett questions on the Highway fund, what personnel services go to general fund A. Mr. Brown responds administration only, Mr. Connolly and the two girls in his office.

Janet questions why the Working Crew Chiefs come out of general fund A and questions if a part of that could be broken out into the part town fund, into another category.

Mayor Jewett questions the Central Garage account. Mr. Brown responds that all their vehicles are maintained out of that account.

Mayor Jewett questions a car from building inspection being under the general fund A when Building Inspection is under general fund B. Mr. Brown explains that the central garage takes care of the motor pool and that is part of the motor pool.

Mayor Jewett comments that they appreciate the Town Board taking the time to discuss this with them.

Councilman Quatroche comments that the offer always stands, they are always open to helping them save money.

Councilwoman Kesner comments that there are expenses that they have very little control over. Who would have thought the stock market would kill them the way it has. They feel for the struggling families and don't want to impose higher taxes on them, they are paying taxes too. The communication link between the Town and the Village is very important and they are very happy to help them.

Councilwoman Hochul comments that the access road is very important because as soon as that gets put in and businesses are there the tax base should expand.

Councilman Cavalcoli comments that because it is a border activity between the two municipalities, the Town needs to be involved early on in the planning process so that they have the right kinds of structures, aesthetics, and development going in there.

Mayor Jewett questions when they plan on breaking ground.

Councilman Cavalcoli comments that they will be starting in the next couple of weeks. He then asks that the Town be involved in the Village budget as well.

XXIX.

RESOLVED, that the Town Board adjourn to Executive Session at 7:30 p.m.

Moved: Hoak

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Catherine Rybczynski, Town Clerk